

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDUARDO L. LOCKLEY,

Petitioner,

VS.

Warden CLAY TATUM,

Respondent.

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NO. 5:10-CV-383 (MTT)

ORDER

Before the Court is Petitioner **EDUARDO L. LOCKLEY'S** motion for leave to proceed *in forma pauperis* on appeal (Doc. 22). By Order dated September 17, 2012 (Doc. 19), the undersigned adopted the recommendation of the Magistrate Judge that Petitioner's 28 U.S.C. § 2254 motion be denied and that Petitioner be denied a certificate of appealability ("COA"). Because this Court has held that Petitioner is not entitled to a COA, his motion to proceed *in forma pauperis* on appeal is **DENIED AS MOOT**.

SO ORDERED, this 1st day of November, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

clr